

**S/N 08/113,561**

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Thomas R. Adams et al. Examiner: G. Benzoin  
Serial No.: 08/113,561 Group Art Unit: 1638  
Filed: August 25, 1993 Docket: 950.033US1  
Title: METHODS AND COMPOSITIONS FOR THE PRODUCTION OF STABLY  
TRANSFORMED, FERTILE MONOCOT PLANTS AND CELLS THEREOF

VIA HAND DELIVERY  
Commissioner for Patents  
Washington, D.C. 20231

**RECEIVED**

**AUG 15 2000**

**WITHDRAWAL OF APPEAL AND  
AMENDMENT UNDER 37 C.F.R. §1.129**

**BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Sir:

In response to the Notice of Hearing mailed June 9, 2000, Appellants hereby withdraw the appeal of the final rejection of claims 2-4, 47, 51-52, 55-58 and 60-67 (all) of the above-identified application (Appeal No. 97-2153) and file the present amendment in response to the Advisory Action mailed July 27, 1995, and the Final Rejection mailed April 17, 1995.

**In the Claims**

Please cancel claims 47, 51-52, 55-58, and 60-66 without prejudice or disclaimer.

In claim 2, line 1, delete "any one of claims 47 or 60-67" and insert --claim 67 or 68--.

In claim 3, line 1, delete "any one of claims 47 or 60-67" and insert --claim 67 or 68--.

In claim 67, lines 7-8, delete "a phytase gene;".

Please add the following claim:

68. The transgenic maize plant of claim 1 wherein the gene is a sucrose synthase gene.

**Remarks**

Reconsideration and withdrawal of the rejection of the claims of the above-identified application, in view of the amendments and remarks presented herein is respectfully requested.

Claims 47, 51-52, 55-58 and 60-66 having been canceled, claims 2-3 and 67 having been amended, and new claim 68 having been added, the claims pending in the above-identified application are claims 2-4 and 67-68.